

Message Text

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PAGE 01 STATE 020426
ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 SCS-03 DHA-02 PRS-01 PA-01 USIA-06
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DRAFTED BY L/EA:EGVERVILLE:MAD
APPROVED BY EA:RHMILLER
EA/PHL - MR. FLECK
SCA/SCS - MR. HUGHES (SUBS)
D/HA - MR. HILL

-----291700Z 108215 /46

R 282318Z JAN 77
FM SECSTATE WASHDC
TO AMEMBASSY MANILA

C O N F I D E N T I A L STATE 020426

E.O. 11652: GDS

TAGS: CASC, PINT, PFOR, SHUM, RP, US (LEHMAN, AUGUST M.)

SUBJECT: ASSASSINATION PLOT TRIAL

REFS: MANILA 995 AND PREVIOUS

1. SHORT ITEM IN JAN. 27 WASHINGTON POST STATES THAT
BRIG. GEN. PECACHE, CHIEF OF THE MILITARY COURT THAT WILL
TRY THREE AMERICANS AND SEVEN FILIPINOS ON CHARGES OF
PLOTING TO ASSASSINATE MARCOS, HAS REFUSED TO PARTICIPATE
IN THE CASE, ACCORDING TO A GOVERNMENT ANNOUNCEMENT. WOULD
APPRECIATE ANY INFORMATION EMBASSY MAY HAVE ON THIS.

2. WE APPRECIATE REPORT REFTEL AND THIS WILL PROBABLY
CROSS REPORT OF JAN. 23 MEETING WITH LEHMAN. NEVERTHELESS,
IN VIEW OF FAST-APPROACHING FEB. 7 PROJECTED TRIAL DATE,
WE WOULD APPRECIATE AS FULL AS POSSIBLE A REPORT ON THE
AUTHORITY, PROCEDURES, AND NATURE OF MILITARY TRIBUNALS
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PAGE 02 STATE 020426

SUCH AS IS SCHEDULED TO TRY LEHMAN. WE HAVE TEXTS OF
MARTIAL LAW PROCLAMATION NO. 1081 AND GENERAL ORDERS 2, 9
AND 12 DETAILING CRIMES TO BE TRIED BY MILITARY TRIBUNALS.
HOWEVER, WE DO NOT APPEAR TO HAVE (OR BE ABLE TO FIND) TEXT
OF ANY DECREE ACTUALLY ESTABLISHING TRIBUNALS. PLEASE
REFERENCE IF YOU HAVE SENT US. IF NOT, PLEASE SUPPLY TEXT
OF DECREE ESTABLISHING TRIBUNALS AND OUTLINING THEIR

AUTHORITY, AS WELL AS AVAILABLE INFORMATION CONCERNING COMPOSITION OF TRIBUNALS GENERALLY AND IN THIS CASE, AND PROCEDURAL AND SUBSTANTIVE RIGHTS AVAILABLE TO OR DENIED DEFENDANTS, INCLUDING EXTENT TO WHICH ADEQUATE LEGAL REPRESENTATION PERMITTED, ABILITY TO CROSS-EXAMINE WITNESSES, WHETHER APPEAL PERMITTED AND IF SO, TO WHAT TRIBUNAL, AND THE LIKE, AS WELL AS EMBASSY'S ASSESSMENT OF DEGREE TO WHICH MILITARY TRIBUNAL IN THE PHILIPPINES CAN FUNCTION INDEPENDENTLY OF MARCOS CONTROL.

3. IN VIEW OF BOTH FAMILY AND OUTSIDE INTEREST IN THIS CASE AND PUBLICITY IT IS LIKELY TO ENGENDER, WE NEED QUICKLY TO BE WELL INFORMED ON ALL ASPECTS OF CASE SO THAT WE CAN ASSESS WHAT POSITION WE MIGHT APPROPRIATELY TAKE WITH PHILIPPINE GOVERNMENT IF LEHMAN NOW WISHES US TO ASSIST HIM IN SOME WAY. IN THIS REGARD, IT SEEMS TO US CRITICAL THAT HE HAVE COMPETENT LAWYER OF HIS CHOICE.

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Message Attributes

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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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Disposition Reason:
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TAGS: CASC, PINT, PFOR, SHUM, RP, US, (LEHMAN, AUGUST M), (PECACHE), (MARCOS, FERDINAND)
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